

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ALUMINIUM BAHRAIN B.S.C.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	Case No. 2:08-cv-299-DWA
ALCOA, INC., ALCOA WORLD ALUMINA	)	
LLC, WILLIAM RICE and VICTOR	)	
DAHDALEH,	)	
	)	
Defendants.	)	
	)	
	)	

**PLAINTIFF'S OPPOSITION TO DEFENDANT VICTOR DAHDALEH'S MOTION  
FOR CONTINUANCE/EXTENSION OF THE DISCOVERY STAY**

**FILED UNDER SEAL**

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*Counsel for Plaintiff Aluminium Bahrain B.S.C.*

Dated: May 31, 2013



**Redacted**

### **ARGUMENT**

Defendant's instant motion should be denied. Contrary to Defendant's representation, the factual and legal bases for the October 2012 stay are not "equally applicable today." Mot. at ¶ 6. That stay was issued based on an imminent trial date in the U.K., which would not "significantly delay[] the civil proceedings." Order at 3. The delay that Defendant now seeks – another six to seven months – would push the start of discovery back 15 months after the original discovery start date of September 2012. As the Court stated last October, it "acknowledges Alba's right to have a timely resolution of its claims and is aware of the continued risk of asset dissipation and the increased difficulties in gathering discovery the longer the case is stayed." *Id.*

These "rights" of Alba's and the "risks" it faces if discovery is further delayed far outweigh any potential prejudice to Defendant. First, there is no serious threat of prejudice to Defendant if civil discovery were to proceed. Defendant maintains that because U.K. criminal defendants are not required to disclose documentary evidence until trial, he would be prejudiced by producing them to Alba in the current civil case because "disclosure to Alba is functionally disclosure" to the SFO. *See* Dkt. No. 110 at 4. As previously addressed,<sup>3</sup> Defendant's contention is meritless; Defendant has provided no factual or legal basis for his belief that documents provided to Alba will be provided to the SFO. Moreover, Defendant's concern can be easily remedied through issuance of a protective order.<sup>4</sup>

**Redacted**

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<sup>3</sup> Plaintiff's Memorandum of Law in Opposition to Defendant Victor Dahdaleh's Motion to Stay Discovery, Dkt. No. 120 at 6. Alba incorporates this and all relevant arguments made in its original opposition by reference here.

<sup>4</sup> While a grand jury subpoena issued by a U.S. court may override a protective order, Defendant has not alleged that a U.K. court could override a protective order issued by this Court, nor has it pointed to any authority which would support that contention.

**Redacted**

**CONCLUSION**

For the foregoing reasons, Defendant Victor Dahdaleh's Motion for Continuance/Extension of the Discovery Stay should be denied. If deemed necessary, Alba respectfully requests to be heard on Defendant's motion at the July 9, 2013 status conference.

Dated: May 31, 2013

Respectfully submitted,

/s/ Charles B. Gibbons

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2013, I filed a true and correct copy of the foregoing was served via electronic mail to counsel of record for Defendant Victor Dahdaleh.

/s/ Charles B. Gibbons

Charles B. Gibbons